

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed October 24, 2005. Claims 1-34 are pending in this Application. Claims 1-34 stand rejected under 35 U.S.C. § 103. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,103,427 issued to Glen Edward Storm (“*Storm*”) in view of U.S. Patent No. 5,216,250 issued to Anthony J. Pellegrino et al. (“*Pellegrino*”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

A. The Form of the Examiner’s Rejection under 35 U.S.C. § 103(a) is Improper Because the Examiner Failed to cite *Storm* and *Pellegrino* with Sufficient Specificity under 35 U.S.C. § 132, 37 C.F.R. § 1.104 and MPEP § 706.02(j) to Allow Applicants to Adequately Respond to the Rejections

The form of the Examiner’s rejection under 35 U.S.C. § 103(a) is improper because the Examiner failed to cite *Storm* and *Pellegrino* properly and with sufficient specificity under 35 U.S.C. § 132, 37 C.F.R. § 1.104 and MPEP § 706.02(j) to allow Applicants to adequately respond to the rejections. The Examiner’s explanation for rejection of Claims 1-34 fails to meet the standards required by U. S. statute. For example, according to 35 U.S.C. § 132, the PTO must notify Applicants of the reasons for rejecting each claim and provide such information and references as may be useful in judging the propriety of continuing the prosecution.

Moreover, the Examiner further defeated the intent and purpose of 35 U.S.C. § 132 by failing to properly identify the portions of *Storm* and *Pellegrino* that allegedly teach each of the limitations of Claims 1-34. The Examiner did not point to any particular portion of *Storm* and *Pellegrino* as purportedly teaching any particular element of Applicants’ claims. Instead,

the Examiner merely cited *Storm* and *Pellegrino* and stated that the claims are obvious in view of the combination.

In addition to defeating the intent and purpose of 35 U.S.C. § 132, Applicants respectfully submit that the Examiner's lack of specificity in rejecting the claims does not comply with 37 C.F.R. § 1.104 or MPEP § 706.02(j).

37 C.F.R. § 1.104 states:

In rejecting claims for want of novelty or obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be *clearly explained* and each rejected claim specified.

37 C.F.R. § 1.104(c)(2) (emphasis added).

MPEP § 706.02(j) states that after indicating that a rejection is made under 35 U.S.C. § 103:

“the examiner should set forth in the Office action:

- (A) the relevant teachings of the prior art relied upon, *preferably with reference to the relevant column of page number(s) and line number(s) where appropriate,*
- (B) the difference or differences in the claim over the applied reference(s),
- (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and
- (D) an explanation why one of ordinary skill in the art at the time of the invention was made would have been motivated to make the proposed modification.”

MPEP § 706.02(j) (emphasis added).

Applicants submit that *Storm* and *Pellegrino* describe inventions other than that claimed by the Applicants, and thus 37 C.F.R. § 1.104 and MPEP § 706.02(j) require the Examiner to designate the particular portions of the cited referenced relied on by the Examiner. Since presumably the Examiner read the cited references when making the determination that the cited references teach each and every limitation of Applicants' claims,

it should have been reasonably practicable for the Examiner to note which *specific* teachings in the cited references are purportedly relevant to each element of each of Applicants' claims and why such teachings of the references are purportedly relevant. For example, the Examiner fails to show how *Pellegrino*, which is directed at an imaging system for x-ray examinations of patients or objects, is at all relevant to the Applicants' invention, which is directed at, among other things, protecting a photomask assembly from contaminants.

For at least these reasons, Applicants respectfully submit that the Examiner has failed to cite *Storm* and *Pellegrino* properly and with sufficient specificity to allow Applicants to adequately respond to the rejections under 35 U.S.C. § 103. Thus, the Examiner has clearly failed to comply with both 35 U.S.C. § 132, 37 C.F.R. § 1.104 and MPEP § 706.02(j). If the Examiner maintains rejections of the pending claims based on *Storm* and *Pellegrino*, Applicants respectfully request that such rejections be sufficiently specific and included in a second Non-Final Office Action, such that Applicants have an opportunity to adequately respond to rejections based on *Storm* and *Pellegrino*.

B. Claims 1-3, 8-10 and 13-18 are Not Obvious in Light of *Storm* and *Pellegrino*

Assuming, *arguendo*, that the Examiner has set forth adequate reasons for rejection as contemplated by 35 U.S.C. § 132, 37 C.F.R. § 1.104 and MPEP § 706.02(j) (which the Applicants do not concede), rejected Claims 1-34 are not obvious under 35 U.S.C. § 103(a).

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicants respectfully submit that the cited art does not render obvious the rejected Claims, because the cited art does not show all claimed limitations of the present Claims.

Claim 1 recites:

1. A photomask assembly, comprising:
 - a pellicle assembly including a pellicle frame and a pellicle film coupled to a first surface of the pellicle frame, the pellicle frame including an inner wall and an outer wall;
 - a photomask coupled to a second surface of the pellicle frame opposite the pellicle film; and

a molecular sieve associated with the pellicle assembly, the molecular sieve operable to prevent airborne molecular contaminants (AMCs) generated during a lithography process from contaminating the photomask.

Neither *Storm* nor *Pellegrino* discloses, teaches or suggests this combination of limitations. For example, neither *Storm* nor *Pellegrino* discloses, teaches or suggests “a molecular sieve associated with the pellicle assembly, the molecular sieve operable to prevent airborne molecular contaminants (AMCs) generated during a lithography process from contaminating the photomask” as specifically recited in Claim 1.

Storm discloses equalizing pressure in a pellicle/photomask assembly by including at least one tacky, continuous, tortuous path connecting an opening in the interior wall of the assembly with an opening in the exterior wall of the assembly. (Col. 3, lines 7-21 and 29-40).

Pellegrino discloses imaging systems for x-ray examination of patients or objects. A camera body 72 forms an enclosed chamber 82 that is sealed and evacuated, and filled with nitrogen gas. (Col. 4, lines 29-32). A molecular sieve 83 is positioned in the enclosed chamber 82 to absorb and hold any water molecules present. (Col. 4, lines 40-44).

However, neither *Storm* nor *Pellegrino* teaches “[a] molecular sieve operable to prevent airborne molecular contaminants (AMCs) generated *during a lithography process* from *contaminating the photomask*.¹” Thus, the cited references fail to disclose the recited limitations and therefore, cannot render obvious Claim 1. For analogous reasons, the cited references cannot render obvious Claims 18 and 28.

Given that Claims 2-17 depend from Claim 1, Claims 19-27 depend from Claim 18 and Claims 29-34 depend from Claim 28, Applicants submit that Claims 2-17, 19-27 and 29-34 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1-34.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with copies of the references and a check in the amount of \$180.00, for the Examiner's review and consideration.

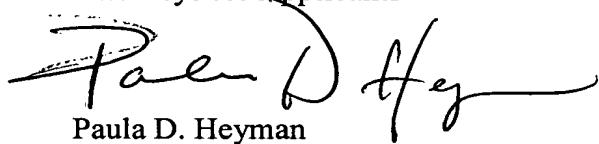
CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1-34.

Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
BAKER BOTT S L.L.P.
Attorneys for Applicants



Paula D. Heyman
Reg. No. 48,363

Date: Jan. 23, 2006

SEND CORRESPONDENCE TO:

BAKER BOTT S L.L.P.

CUSTOMER NO. **31625**

512.322.2581

512.322.8383 (fax)

Enclosure: 1) Information Disclosure Statement and PTO 1449 form with copies of references along with a check in the amount of \$180.00